

3. March 1980

MEMORANDUM

SUBJECT: The Majles Election and the Hostages

Ayatollah Khomeini's decision to give Iran's National Assembly or Majles responsibility for the fate of the hostages threatens to introduce new complications into the power struggle in Iran. There is little reason to believe that the Assembly--which will not meet until April--will choose to release the hostages rapidly and without further US concessions.

The majles elections will be a crucial test of President Bani-Sadr's ability to consolidate his hold on power in Iran. His supporters are said to believe that if he fails to gain a majority in the elections, Bani-Sadr will not be able to function as president. Although he has refused to set up his own political party, he organized a "Congress of the Iranian Islamic Revolution" in early February to help mobilize his supporters behind candidates favorable to him. He has apparently failed, however, in his efforts to advance the timetable for the elections. He unsuccessfully urged the Revolutionary Council to eliminate the second round of voting for runoffs that is to be held on 3 April, after a preliminary round on 14 March.

Bani-Sadr's major opposition comes from the Islamic Republic Party headed by Ayatollah Beheshti. Beheshti and his hardline supporters clearly hope to do better in the Majles elections than they did in the presidential voting in order to reduce Bani-Sadr to an impotent figurehead. Usually well informed observers in Tehran expect the IRP to do well in the voting and several senior officials of the Party, including Ayatollahs Rafsanjani and Khamanei, have resigned cabinet positions in order to run for the Assembly.

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This memorandum was prepared by [redacted] of the Iran Task Force. Questions and comments may be addressed to Chief, Iran Task Force on 351-5297.

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The outcome of the elections is also complicated because several other parties are running including the radical Mujahedin guerrillas and the leftist Fedayeen group. The largest Kurdish organization, the Kurdish Democratic Party, is backing the Mujahedin's candidates. The pro-Soviet Tudeh party and Admiral Madani's supporters are also putting forward slates of candidates. In all over 1,000 candidates have filed for 270 seats.

Prospects

The most likely outcome--barring intervention by Khomeini--is a divided Assembly, unsure of its responsibilities and eager to establish its revolutionary credentials. The constitution gives the Majles responsibility for determining its own internal regulations and the legislators will have to spend some time on these. Moreover, the Assembly will have to approve a prime minister and cabinet named by Bani-Sadr--a task which could prove difficult if the IRP has a majority in the Majles.

The legislators--whoever they owe loyalty to--will probably want to move cautiously on the hostage issue and not get too far in front of Ayatollah Khomeini. They may well decide to avoid a tough decision and demand further concessions from the US. For example, the constitution gives the Assembly authority to conduct investigations of national problems--the legislators could choose the delay their decision by initiating an investigation of the Shah.

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In any case, Khomeini could always overrule the Assembly. One source reports that many Iranian clerics already believe he will do so if the legislature makes an unpopular decision. Moreover, while the captors have said they will respect the Majles' decision, press reports have quoted them as also saying they will appeal to Khomeini any Majles decision that does not link the hostages release to the Shah's extradition.

Constitutional Powers

The Iranian constitution divides executive power between the supreme religious leader (Ayatollah Khomeini), the president, and the prime minister. Khomeini retains ultimate power and in practical terms he can overrule any decision by anyone.

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The constitution leave vague many of the relations between the three top executives. Its drafters deliberately sought to prevent the creation of another Shah-like figure

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by careful checks and balances. In all likelihood the relationship between them will in practice depend on the individuals involved. If Bani-Sadr can select a prime minister with close ties to himself, the president's position will be strengthened. If the IRP can block his selection in the Majles, Bani-Sadr may well lose almost all of his authority. [REDACTED]

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Finally, the situation is further clouded because the constitution also creates a Council of Guardians--composed of six clerics and six lawyers--which is responsible for overseeing all legislation. If Khomeini chooses he can refer any Majles decision on the hostages to the Council of Guardians. Khomeini has so far appointed the six clerics and has chosen primarily members of the Qom Theological Society, a hardline group which was among the earliest backers of the Embassy seizure. The other six are to be appointed by the Majles. [REDACTED]

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Resolution of the hostage issue is likely to become a factor in the political infighting certain to accompany the working out of the relationship between the executive officials. The president cannot get too far out in front on the issue of releasing the hostages or risk Khomeini's wrath. The Supreme Court--headed by Bani-Sadr's rival Ayatollah Beheshti--may charge the president with violating his duties toward the Assembly and recommend to the religious leader that the president be dismissed. [REDACTED]

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IRAN: EXECUTIVE POWERS UNDER THE CONSTITUTION

Religious leader (Ayatollah Khomeini)

- Approves presidential candidates and dismisses president upon recommendation of the Supreme Court
- Appoints highest judicial authorities and half of Council of Guardians which reviews all legislation
- Declares war
- Commander-in-chief of the armed forces (Khomeini delegated this power to Bani-Sadr in February)

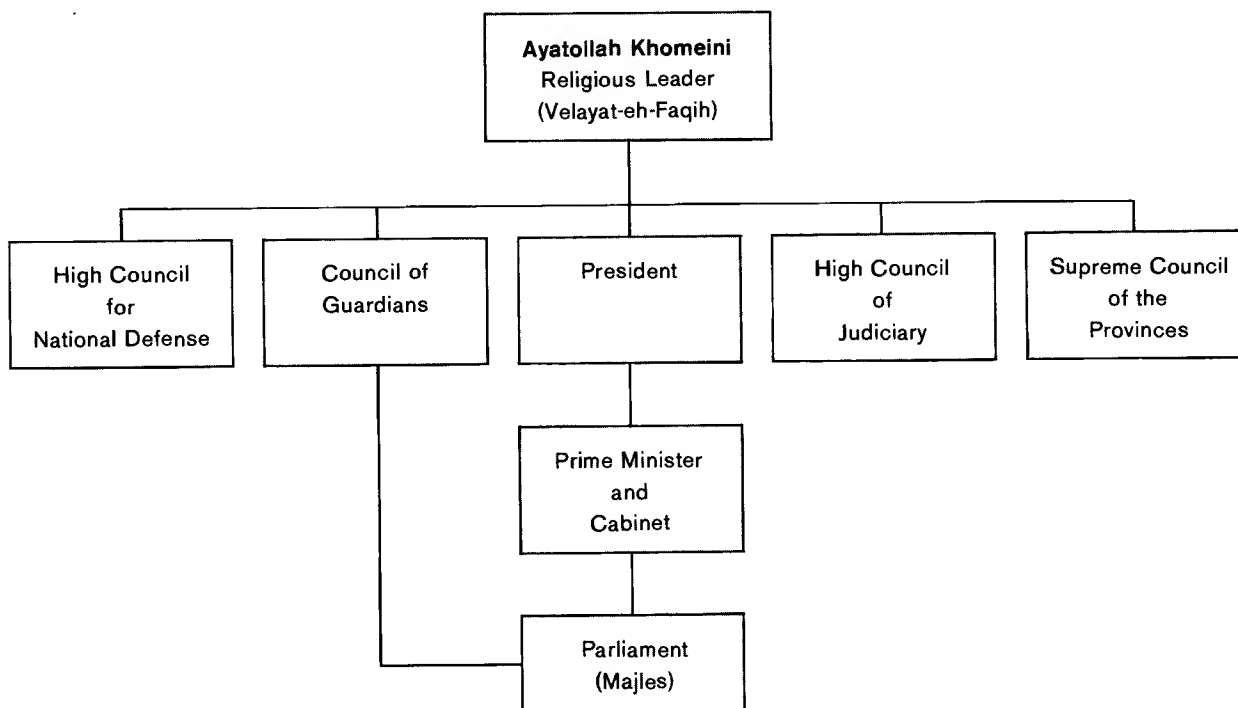
President

- "Holder of the highest official power next to the office of the leader"
- Nominates prime minister, subject to approval by Assembly
- Approves treaties, accredits ambassadors

Prime Minister

- Appoints cabinet ministers, subject to approval of president and Assembly
- Heads cabinet and "selects government policies and executes the law"

Iranian Government Structure Under New Constitution



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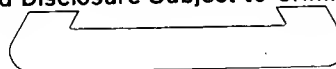
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